

RANEY ZUSMAN MEDICAL GROUP

CARDIOVASCULAR AND THORACIC SURGERY
447 OLD NEWPORT BOULEVARD, SUITE 200
NEWPORT BEACH, CALIFORNIA 92663

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September 6, 2012

City of Newport Beach
Planning Commission
City Council Chambers
3300 Newport Boulevard
Newport Beach, CA 92663



RE: September 6, 2012, Planning Commission Agenda Item # 3 – 441 Old Newport Medical
Office Building (PA2011-056)
Site Location: 441 Old Newport Boulevard

Dear Commissioners:

We respectfully request the Planning Commissioners deny the above referenced application request for a conditional use permit to reduce the required off-street parking and utilize an off-site parking lot. We are requesting a denial based on the following information:

1. The staff report indicates that the property at 441 Old Newport Boulevard is 11,540 square feet. However, the owners posted their property "for sale" on an internet website (www.loopnet.com) showing the square footage of the building at 14,953, a discrepancy of 3,413 square feet. Please see exhibit "A". Furthermore, they are advertising the listing as "Medical" office space. Our representative spoke with Melinda Whelan on Tuesday, September 4, 2012. Melinda confirmed that they only have an approved permit for "spec" space not "medical" office space. We believe their square footage needs to be verified by the City of Newport Beach to accurately understand how many parking spaces will be required. If, indeed, the staff report square footage is too low, the parking space requirement could be even greater than what is currently proposed.
2. According to the staff report (page 3, Reduction of Off-Street Parking, #1), the applicant provided sufficient data to indicate that the parking demand is less than the required number of spaces, however no parking study was submitted by the applicant. Ms. Whelan said that she traveled to the site and observed parking over a two-day period and that there appeared to be enough parking available. Our representative explained that the observation did not take into consideration the current leasing conditions of the adjacent properties, none of which are leased to capacity at the current time. Also, the observation was not performed at the busiest time-of-day, when parking utilization is highest. We believe the applicant should have provided a valid parking/traffic report, by a certified traffic engineer to the City. The traffic/parking report should take into consideration the

parking requirements if all office buildings are at full capacity, not just the parking conditions on a given day.

3. The staff report indicates that the applicant has an agreement to provide seven (7) off-site spaces to be "valet only" parked on the adjacent property at 445 Old Newport Boulevard. The staff report shows a "reciprocal easement agreement" between Ocean View Medical Investors, LLC and Sidney Soffer from July, 2005.
 - a. First, Sidney Soffer, died in 2007 and the property at 445 Old Newport (to be used for off-site parking) is currently in bankruptcy proceedings. We believe that parking easement agreement is no longer valid and enforce as it was filed prior to Mr. Soffer's bankruptcy action. Incidentally, the bankruptcy action was filed by Mr. Soffer, on the morning the property at 445 Old Newport Boulevard was due to be auctioned by the County of Orange. We were at the courthouse that morning to potentially bid on the property.
 - b. We believe it is highly unlikely that the applicant will continue to utilize a valet service, as it is a very expensive parking option. Furthermore, we are concerned that the City of Newport Beach will not be able to adequately monitor whether or not they are using a valet service, thereby placing the burden on the surrounding businesses in the area.
 - c. We firmly believe that our parking lot at 447 Old Newport will be impacted if parking is not available in the lot at 441 Old Newport. Please see exhibit "B".
4. The reciprocal easement agreement indicates that "Ocean View now has insufficient parking for the conversion from "Offices" to "Medical Offices". Soffer's property "A" has sufficient "legal" parking for Sid's Restaurant but insufficient parking from a practical standpoint." They mutually agree that they can use each others parking spaces as their usage (day v. evening) does not conflict. The premise of this agreement is contingent on Sid Soffer's restaurant being a viable active business. And, that it will continue as a restaurant in the future. We have been located adjacent to Sid Soffer's property for the past eight years. It is an abandoned, dilapidated property that was long ago shut down by the health department. We believe there is no chance Mr. Soffer's estate will have the opportunity to re-open this structure as a restaurant. Please see exhibit "C". If this property is sold it will most likely be leveled and re-built as office/medical office space.

As owners of the property at 447 Old Newport Boulevard, we complied with the parking requirements set forth by the City of Newport Beach. We wanted to build out more leasable space but we were restricted from doing so because we could not provide enough on-site parking spaces. We are requesting that the applicant be held to the same requirements for parking as the other businesses in the area.

Thank you for your time.

Best regards,

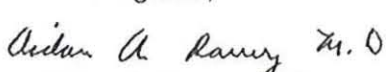

 
Aidan A. Raney, M.D. Ann Raney

EXHIBIT "A"



#1 in Commercial Real Estate Online

[Back to Search Results](#)[Previous Result 18 of 27](#) [Next Result](#)

Office Property For Sale

Oceanview Medical Plaza

441 Old Newport Blvd, Newport Beach, CA 92660



Price: **Price Not Disclosed**
 Building Size: **14,935 SF**
 Unit Size: **1,000 - 4,542 SF**
 Property Type: **Office**
 Property Sub-type: **Office Condo**
 Additional Sub-types: **Medical Office**
 Property Use Type: **Vacant/Owner-User**
 No. Stories: **3**
 Building Class: **A**
 Year Built: **1981**
 Parking Ratio: **5 / 1,000 SF**

[Find Out More...](#)

Last Updated **16 days ago**
 Listing ID: 16529208

3 Units Available**2nd flr**

Price: **Price Not Disclosed**
 Unit Size: **4,542 SF**

The 4,542 represents a full floor size. Condo sizes available from 1,000 - 4,542 SF

Unit 201

Price: **Price Not Disclosed**
 Unit Size: **1,000 SF**

The 4,542 represents a full floor size. Condo sizes available from 1,000 - 4,542 SF

Unit 202

Price: **Price Not Disclosed**
 Unit Size: **2,500 SF**

The 4,542 represents a full floor size. Condo sizes available from 1,000 - 4,542 SF

Attachments[Flyer](#)**Description**

14,935 SF Medical Office Building available for Purchase or Lease. Conveniently located directly across from Hoag Hospital (less than 0.5 Miles). 3 Story Building. Only 1 floor available for ownership.

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Request additional information

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 (949) 721-8600

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was our report

EXHIBIT "B"



441 OLD
NEWPORT



445
OLD NEWPORT



447 OLD
NEWPORT



EXHIBIT "C"

